

**REMARKS/ARGUMENTS**

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 19 - 35 are pending in the application. Currently, all claims stand rejected.

By the present amendment, claims 19 and 25 - 29 have been amended, claims 34 and 35 have been cancelled without prejudice; and new claim 36 has been added to the application.

In the office action mailed January 23, 2008, claims 34 and 35 were rejected under 35 U.S.C. 112, second paragraph as being indefinite and under 35 U.S.C. 103(a). These rejections are now moot in view of the cancellation of claims 34 and 35.

Further in said office action, claims 19 - 33 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,704,092 to Nicollet et al. or U.S. Patent No. 6,000,100 to Montgelard et al.

The foregoing rejections are traversed by the instant response.

Amended claim 19, the sole independent claim in the application, is directed to a removable gripping device for a container, comprising: two members forming a gripper mounted on a gripping body in which one of the members forming the gripper is mobile and free to move in translation with respect to the gripping body along a direction approximately parallel to a longitudinal direction of the gripping body between an open position and a closed position in which the members forming the gripper are adapted to grip an edge of the container, displacement means for displacing the members forming the gripper with respect to each other, said displacement means comprising a lever free to move in rotation with respect to the

gripping body between an extended position and a retracted position in which the mobile member forming the gripper is in a closed position, and a transmission means extending between the lever and the mobile member forming the gripper for displacing the mobile member forming the gripper in translation when the lever is pivoted, said displacement means being shaped such that the lever is in a stable equilibrium position when in the extended position and when in the retracted position, and the lever passes through an unstable equilibrium position when passing from one of these two stable equilibrium positions to the other, and locking means for preventing said lever from moving from said retracted position to said unstable equilibrium position, said locking means being separate from said displacement means and said one member, said locking means having a portion which engages said lever when said lever is in said retracted position and which disengages from said lever when said locking means is moved into an active position, thereby allowing said lever to move from said retracted position to said extended position, and an activation button for moving said locking means into said active position, said activation button being separate from said lever.

The present invention relates only to gripping device in which the retracted and extended position of the lever and thus, in which open and closed positions of the members forming a gripper are both stable due to the configuration of the lever and the transmission means. Consequently, in these gripping devices, the lever is "locked" in its retracted position (and the mobile member forming a gripper in its closed position) by the lever itself (more precisely, in the present example by the toggle joint relation between the lever, the connecting rod and

the mobile member). This is fully explained in the present application, in paragraphs 33 to 39.

But, as indicated in paragraphs 4 to 6 of the present application, the "means holding the lever in a stable retracted position" (i.e. the displacement means in a toggle joint configuration) is only a relative locking means: when a sudden force is applied on the gripping body, the lever may be unvoluntarily displaced from its stable retracted position up to the unstable equilibrium position and then, by virtue of the displacement means and the opening spring 10, to its extended position in which the mobile members forming a gripper are in the open position (see paragraph 37).

Thus, in order to avoid this, in the present invention, as claimed in claim 19, the gripping device comprises a locking means separate from the displacement means, i.e. separate from both the lever and the transmission means (here, the connecting rod), and separate from the mobile member forming a gripper. Because of this separation, the locking means are mobile between an active position and locked position while the lever (and thus the displacement means) is immobile in its retracted position. Furthermore, as claimed, the locking means comprises an activation button enabling a user to move the locking means to its active position in which the lever may be moved from its retracted position to its extended position.

In US 5 704 092 (here after, D1) and US 6 000 100 (here after D2), as indicated by the Examiner:

- a) the displacement means comprises a lever (12 in D1, 5 in D2);
- b) the displacement means comprises a transmission means (in D1, the transmission means is the link 20 - cf. column 3, lines

27 to 40 where it is indicated that the link 20 of the first embodiment is adapted to displace the member 14, column 4, lines 28 to 39 where it is indicated that the link leaf spring 20 of the second embodiment is adapted to displace the member 14, and column 1, lines 50 to 56 that recites the characteristics of column 4, lines 36 to 39; in D2, the transmission means is the link blade 6 - cf. column 3, line 7 where the displacement means are referenced by numbers 5 and 6, column 6, lines 29 to 32 where it is indicated that the link blade 6 is adapted to displace the member 1); and  
c) the displacement means are in a toggle joint configuration, i.e. the retracted position of the lever is a stable position due to the configuration of the displacement means (the configuration of the lever and the link).

But, in D1 and in D2, contrary to the statement of the Examiner, there is no locking means (locking means as defined in the present application, the applicant being its own lexicography, a term used in an application may have a signification different from the signification in an other application).

a) In D1, the Examiner considers that the "locking means 16" (terms used in D1) is a locking means in the sense of the present application. But, as indicated in column 3, lines 8 to 11, the locking means are adapted to hold the members forming a gripper in the closed position, and as indicated in column 3, lines 51 to 52, the locking means is formed by the link 20 and a compensator spring 19 (used to enable adjustment of the separation between the two members according to the thickness of the container - see column 3, lines 43 to 48). In D1, the

locking means are not separate from the displacement means but the displacement means comprises the locking means, or as said in the last paragraph of claim 1 of D1 "said displacement means comprises a lever... and a spring means... for exerting a force on the end of said mobile clamp member for translating said mobile clamp member... and for exerting an opposite force... sufficient to hold said clamp members in the closed position." Furthermore, the "locking means 16" (more precisely, the link 20) cannot be displaced without displacing the lever.

In column 3, lines 43 to 53 and column 4, lines 53 to 61, it is indicated how the locking means, and more precisely the link 20, hold the mobile member in the closed position, and in column 4, lines 1 to 9 how to displace the mobile member from its closed position. These explanations correspond to the explanation of a toggle joint mechanism, and thus, as explained in point 2, when a sudden force is applied on the gripping body, the lever may be unvoluntarily displaced from its stable retracted position up to the unstable equilibrium position.

There is no locking means in a sense of a means

- i) separate from the displacement means that is on his own a means holding the lever in a stable retracted position and the mobile clamp member in the closed position; and
- ii) mobile between an active position in which the lever can pass from its retracted position to its deployed position and the mobile member can pass from its closed position to its open position, and a closed position in which the lever cannot attain its unstable equilibrium position and the mobile member remains in a closed position (even in a case of a sudden force applied to the body), the lever remaining

immobile in its retracted position during the movement of the locking means.

And of course, on account that there is no locking means mobile between an active position and a locked position (with the previously explained significations in i) and ii)), there is no activation button enabling a user to move the locking means to its active position. It is important to note that what the Examiner considers to be an activation button being part of the locking means (separate from the displacement means) is a release button 24 that is a part of the lever 12 (and thus of the displacement means).

b) In D2, the Examiner considers that the "locking means 16" (terms used in D1) is a locking means in the sense of the present application. But, as indicated in column 1, lines 31 and 32, the locking means are adapted to hold the members forming a gripper in the closed position, and as indicated in column 4, lines 39 to 44, the means that hold the member in the closed position (the "locking means") is the link blade 6. In D2, the locking means are not separate from the displacement means but the displacement means comprises the locking means. The link blade 6 in D2 correspond to the link 20 in D1 as indicated in column 3, lines 63 to 65. Furthermore, the "locking means" (more precisely, the link blade 6) cannot be displaced without displacing the lever.

In column 3, lines 56 to 62 and column 4, lines 37 to 45, it is indicated how the locking means, and more precisely the link blade 6, hold the mobile member in the closed position, and in column 4, lines 46 to 49 how to displace the mobile member from its closed position. These explanation correspond to the explanation of a toggle joint mechanism, and thus, as explained

in point 2, when a sudden force is applied on the gripping body, the lever may be unvoluntarily displaced from its stable retracted position up to the unstable equilibrium position.

There is no locking means in a sense of a means

- i) separate from the displacement means that is on his own a means holding the lever in a stable retracted position and the mobile clamp member in the closed position; and
- ii) mobile between an active position in which the lever can pass from its retracted position to its deployed position and the mobile member can pass from its closed position to its open position, and a closed position in which the lever cannot attain its unstable equilibrium position and the mobile member remains in a closed position (even in a case of a sudden force applied to the body), the lever remaining immobile in its retracted position during the movement of the locking means.

And of course, on account that there is no locking means mobile between an active position and a locked position (with the previously explained significations in i) and ii)), there is no activation button enabling a user to move the locking means to its active position. It is important to note that what the Examiner considers to be an activation button being part of the locking means (separate from the displacement means) is a lateral wing portion 7 that is a part of the lever 5 (and thus of the displacement means).

For the foregoing reasons, claim 19 is not anticipated by either Nicollet et al. or Montgelard et al. nor rendered obvious by these references.

Claims 20 - 33 as well as new claim 36, are allowable for the same reasons as claim 19, as well as on their own accord.

The instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, he is hereby invited to contact Applicants' attorney at the telephone number listed below.

A request for a two month extension of time is hereby requested. The commissioner is hereby authorized to charge the extension of time fee in the amount of \$460.00 to Deposit Account No. 02-0184.

If any additional fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,  
Christophe Lorthioir et al.

By \_\_\_\_\_  
Barry L. Kelmachter  
BACHMAN & LaPOINTE, P.C.  
Reg. No. 29,999  
Attorney for Applicants

Telephone: (203)777-6628 ext. 112  
Telefax: (203)865-0297  
Email: docket@bachlap.com

Date: June 20, 2008